



**The Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: University Plaza Co-Tenancy
File: B-233572.2
Date: December 29, 1988

DIGEST

Where a protest based on knowledge of the awardee of a lease is not filed within 10 working days of the time the protester is verbally informed by the contracting agency of the awardee, the protest is untimely.

DECISION

University Plaza Co-Tenancy (UPC) requests reconsideration of our dismissal as untimely of its protest under solicitation No. R7001-88 issued by the General Services Administration (GSA) for a lease of office space.

We dismissed UPC's protest as untimely because it was not filed within 10 working days of the date UPC knew the basis for protest. UPC argues that it did not receive official notice of the identity of the property under the lease awarded until October 31, 1988, and it timely filed its protest on November 9. UPC's protest raises several issues which are based on knowledge of the award and the location of the property involved.

UPC states in its initial protest letter, however, that it received verbal notice of the award and the location of the property from GSA on October 21. Our Bid Protest Regulations provide that protests should be filed not later than 10 working days after the basis of protest is known or should have been known. 4 C.F.R. § 21.2(a)(2) (1988). Since the protester knew who received the award and where the property was located on October 21, it was aware of its basis for protest on that date, and therefore had 10 working

044249/137660

days from October 21 to file a protest. The fact that it did not receive written notice of the award until October 31 is of no consequence. Since the November 9 protest was therefore untimely filed, we affirm the dismissal.

Ronald Berger

Ronald Berger
Associate General Counsel